

GOVERNMENT OF NAGALAND

HOME DEPARTMENT : GENERAL ADMN. BRANCH

NOTIFICATION

Dated Kohima, the 12th August, 1968

No. Gen-8/10/68:- The following Rules are hereby republished for general information.

1. THE NAGALAND LAND REQUISITION AND ACQUISITION RULES, 1968.

In exercise of the powers conferred by section 20 of the Nagaland Land (Requisition and Acquisition) Act, 1965, the Governor of Nagaland is pleased to make the following Rules, namely:-

1. Short title and commencement:- (1) These Rules may be called the Nagaland Land (Requisition and Acquisition) Rules, 1968

(2) They shall come into force at once.

2. Definition:- In these Rules, unless there is anything repugnant in the subject or context: -

- (a) "The Act" means the Nagaland Land (Requisition and Acquisition) Act, 1965;
- (b) "form" means a form appended to these rules
- (c) "section" means a section of the Act.
- (d) All words and expressions used in these rules and not defined herein but defined in the Act shall respectively have the same meaning as assigned to them in the Act.

3. Manner of submission of representation by interest person when land is necessary to be requisitioned for landless or displaced persons:- - Where it is necessary to requisition any land for landless or displaced persons, the person interested in the land shall be informed of the intension of requisitioning his land and such persons may make written representation, if any against it within 30 days from the date of receipt of such information.

The information shall be in the form of a notice in form "A"

Such representation when received shall be disposed of by the State Government or the person authorised to requisition the land as the case may be after due consideration, if necessary by local enquiry by an officer not below the rank of a Sub-Divisional Officer.

4. An order of requisition under section 3 (1) shall be in Form "B" as far as may be, with such modification, if any, as may be necessary.

5. An order under section 4 (1) of the Act shall be in Form "C" where the surrender or delivery of possession is to be made to any person other than the Deputy Commissioner, the latter shall issue an order authorising the person before an order for surrender or delivery of possession is issued.

6. Breaking open of locks on requisitioned property:-

Where the possession of the requisitioned property is not handed over in compliance with an order issued under sub-section (1) of section 4 of the Act, and or the premises are found locked the Deputy Commissioner or any other person authorised by it in writing in this behalf may break open the lock in the presence of two witnesses and take possession of the property.

Provided that:-

- (i) before any such action is taken, the competent authority shall satisfy itself that the order under sub-section (1) of Section 4 has been duly served on the party concerned and that the party is evading compliance with the order,
- (ii) powers under this rule shall not be exercised at any time after sunset or before sun-rise; and
- (iii) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witness and such articles should be stored in safe custody.

7. A notice under section 6(1) shall be in form "D"

8. A notice under section 8 (3) shall be in form "E"

9. An order under Section 9(1) shall be in form "F", and a notice under section 9 (2) shall be in form "G". Publication of the order under section 9(1) and of the notice under section 9 (2) as

required by the proviso to the sub-section shall be made by affixing a copy each of the order and notice in form "F" and "G" respectively in some conspicuous part of the land or promises acquired.

10. The publication of an order under section 9(1) of the Act as required by section 10(3) shall be in form "F".

11. Manner of service of order :- Every order passed under sub-section(1) of section 3, sub-section (1) of section 4 and subsection (1) of section 9 and every notice given an opportunity to make representation under the second proviso to sub-section (1) of section 3 and every notice under sub-section (1) of section 5 and which is under sub-section (2) of section 9 shall be served on the owner of the land or the tenant or the occupier, as the case may be, in the following manner-

(a) in the case any order affecting an individual, corporation or firm, in the manner provided for the service of summons in rule 2 of order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code the Civil Procedure, 1908, (V of 1908).

(b) in the case of any order affecting an individual person (not being a corporation or a firm)

(i) by delivering or tendering to that persons; or (ii) if this cannot be so delivered or tendered, by delivering or tendering to any officer or such person or any adult member of the family of such person, or by affixing a copy thereof on the outer door or in some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or failing service by these manners;

(iii) by registered post:

Provided that when the person to be so served is not readily traceable and the order and the notice cannot be served without undue delay or when the ownership of the land is in dispute, the order and the notice shall be published in the Official Gazettee.

(2) A return by the serving officer stating the date of affixing the copies under item (ii) of clause (b) to sub-rule (1) and attested by two persons present at the time of affixing shall be considered sufficient proof of service.

12. Allotment of requisitioned land:-Soon after requisition of a particular area, it shall be properly demarcated and allotted to

respective individuals or groups of individuals.

13. Manner of payment of compensation:- The individuals or groups who are allotted land shall be jointly and severally liable to pay local rate and also compensation as assessed by Government (i) for use and occupation of the land during the period of requisition, (ii) for any damage wilfully caused to such land during the period under their occupation, and (iii) for acquisition of such land if acquired at any time later.

14. Period for payment of compensation:- The compensation for use and occupation of land shall be payable annually during the period of requisition on or before the fifteenth day of February following the year of requisition and any area shall be realisable as public demand under the Bengal Public Demand Recovery Act, 1913 subject to rule 15;

Provided the compensation for any requisitioned building shall be payable monthly.

15. Cancellation of allotment on failure to pay compensation:- In case of default of payment of compensation or any part thereof as mentioned in rule 13 the allotment shall be liable to cancellation and the allottees to summary eviction.

16. Advance payment of compensation:- The individuals or group may be allowed to make part payment of compensation for acquisition in advance if they so desire or after the actual allotment and such payment shall be credited to treasury under the head "IX- Land Revenue - Miscellaneous - Miscellaneous Receipt." (0029 - Land Revenue - Misc. Receipt)

17. Disposal of trees and standing crops:- Trees on requisitioned land when required to be felled and crops thereon shall be sold in public auction after due notice in the locality, concerned. The sale proceeds of the auction sale on trees shall be payable to the owner after deduction of the royalty if any, and also subject to rule 18:

Provided that when the owner of the land wishes to take away the trees himself, he shall be allowed to do so within two months from the date of taking over the possession of the land on written assurance that the owner shall not claim any compensation for the trees. In that case the forest department shall realize the royalty direct from the owner.

18. Government demand to be deducted from the compensation payable to the owner:-

From the amount realize under clause (i) of rules 13 and 17 local rates, if any, shall be deducted and the balance paid to the owner.

19. Apportionment of compensation in case of dispute :-

If any dispute arises as to the apportionment of the amount payable to the owner under rule 18, the deputy commissioner or any other officer authorised under section 3 shall keep the amount in 'revenue deposit' until the dispute are finally disposed of by him, and on such disposal shall pay to the person or persons concerned the amount due to him or them.

20. Manner of settlement on acquisition of requisitioned land:-

After acquisition of any requisitioned land under section 6, settlement of the allotted land shall be offered to those allottees who make full payment of their share of compensation under rule 13 (i) and the outstanding compensation if any, under rule 13 (i) and (ii) and if accepted, annual leases in the first instance shall be issued to them and thenceforth the land shall be assessable to annual land revenue and local rate at the rates payable for similar class or classes of land in the neighborhood.

21. Annual lease of the land:- Subject to any general prohibition or restriction laid down by government from time to time, the annual leases mentioned in rule 20 above shall be convertible to periodic when such land becomes fit to be made periodic under the revenue law in force and also when the annual lease-holders make full payment of their share of compensation under rule 13.

22. Summary eviction:- If any allottee of any requisitioned land keeps the land fallow for one year from the date of allotment, he shall be liable to summary eviction at the end of the year.

23. Execution of bond for settlement of requisitioned land: -

The individuals or groups who are allotted land shall execute a bond in the terms of the conditions mentioned in the foregoing rules within thirty days from the date of allotment. It shall be specifically mentioned in the bond that all money payable to government shall be realisable as public demand. Failure to execute such a bond within the stipulated time shall make the allotments liable to cancellation and the allottees to summary eviction. .

24. Repairs to requisition premises:- (1) A notice under section 5 shall be in form "H". The time for execution of repairs to

be specified in the notice shall be such as may be specified in the notice.

(2) In case where the State government or the person authorised by the State government execute the repairs, the cost shall be realised from the owner in monthly installments and ordinarily at a rate not exceeding 50 percent of the monthly requisition compensation payable to him and the number of installments fixed accordingly provided that where the cost of repairs exceeds three times the monthly requisition compensation, the instalment may be equal to 75 percent of the requisition compensation monthly payable.

FORM "A" NOTICE AND

ORDER

(See rule 3 and second proviso to Section 3 (1))

Whereas the land described in the Schedule hereto annexed is necessary to be requisitioned and it is proposed that the said land should be requisitioned for providing land to landless or displaced persons or public purpose.

Now, therefore, in exercise of the powers conferred by second proviso to Section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965 (Act III of 1965), I, hereby call upon you being the person interested in the said land to make representation in writing within thirty days of the date of service of this notice why the said land should not be requisitioned.

SCHEDULE

To

Shri

Secretary to the Govt. of Nagaland,

Land Revenue Deptt.
or Person authorised U/S
3(1)

FORM "B"

ORDER

(See rule 4 and Section 3 (1))

In exercise of the powers conferred on me under Section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965 ,Act No III of 1965) under notification No....., datedI,..... do hereby requisition under section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965, the land described in the Schedule below with effect from the date of this order, for the purpose of.
.....

SCHEDULE

District _____

Mauza _____
Village _____
Dag No _____
Patta No. _____
Area _____
Name and address of the owner of the land _____

Name of the tenant, if any, in occupation of the land and
his Address
.....

Boundaries of the land

North :-
South :- Secretary to the Govt. of Nagaland
East :- Land Revenue Department
West :- OR Person authorised U/S 3 (1)

FORM 'C

(See Rule 5 and Section 4(1))

Whereas the land described below has been requisitioned under Section 3(1) of the Nagaland Land (Requisition and Acquisition Act, 1965 (Act III of 1965), you, being the owner/ tenant/person in occupation of the said land, are directed to surrender or delivery possession of the requisitioned land to the

Deputy Commissioner of/or
..... being the person authorised in this behalf
by the Deputy Commissioner within
days from the date of service of this order.

DESCRIPTION OF THE LAND

District _____

Mauza _____

Village _____

Dag No. _____

Patta No. _____

Area No. _____

Name and address of the owner of the land _____

Name and address of the tenant, if any _____

Name and address of the person in occupation, if any _____

Secretary to the Government of Nagaland
Revenue Department
or
Person authorised u/s. 3 (1) & 4 (1)

FORM D'

NOTICE

Dated

Under Section 6(1) of the Nagaland Land (Requisition and Acquisition) Act, 1965.

No. _____ It is hereby notified that
in pursuance of Section 6(1) of the Nagaland land (Requisition and Acquisition) Act. 1965 (Nagaland Act III of 1965), the Governor of Nagaland is pleased to decide the acquisition with effect from the date of publication of this notice of the land requisitioned under Section 3(1) of the said Act as per schedule below, measuring an area of _____ bigha,
_____ katha _____ Leasas/chittack in mauza
_____ village _____ in the district of
_____ for _____

SCHEDULE

District _____

Mauza _____
Village _____
Dag No. _____
Patta No. _____

BOUNDARIES

Secretary to the Govt. of Nagaland
Revenue Department

FORM "E"

NOTICE

(See Rule 8 and sub-section 3 of Section 8)

Whereas the property specified in the schedule below was requisitioned by the order of the _____ No _____ dated _____ with effect from _____ and whereas, the State Government have decided that the said property shall be released from requisition;

And whereas, the person to whom the possession of the requisitioned land is to be delivered cannot be found or is not readily available or has no agent or other person empowered to accept delivery on his behalf;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 8 of the Nagaland land (Requisition and Acquisition) Act 1965 (3 of 1965), the Governor of Nagaland do hereby declare that the said property is released.

SCHEDULE

District _____
Mauza _____
Village _____
Dag No _____
Patta No _____

Secretary to the Govt. of Nagaland
Revenue Department

To
Shri _____

FORM 'F'

(Form of order under sub-section 1 of Section 9)

Whereas in the opinion of the Governor of Nagaland/the Deputy Commissioner of _____ it is expedient or necessary to acquire land speedily, for works or other developmental measures or connection with flood control and anti-erosion measures, embankment and drainage, now, therefore, in pursuance of Section 9 of the Nagaland land (Requisition and Acquisition) Act, 1965, the Governor of Nagaland/the Deputy Commissioner of _____ is pleased to order that the land as per schedule below measuring an area of bighas _____ kathas _____ leasas/chittacks _____ in village _____ Mauza _____ in _____ Sub – division _____ of _____ District shall be acquired.

SCHEDULE OF THE LAND

1. Area _____ Pattadar's name _____
Patta No _____ Dag No. _____
2. Description of boundaries : -
North –
South –
East –
West –
3. Name of village and mauza in which situate.
To
Name and address of the owner _____
Name and address of the tenant, if any _____

Name and address of the occupant, if any _____

Secretary to the Govt. of Nagaland
Revenue Department

Dated _____

OR

Department Deputy Commissioner

FORM "G"

(Notice under Sub-section 2 of Section 9)

Whereas an order has been passed to require the land described below in sub-division of for works or other development measures in connection with flood control and anti-erosion measures, embankment and drainage, under sub-section 1 of Section 9 of the Nagaland Land (Requisition and and Acquisition) Act, 1965.

Now, therefore, I hereby give notice that, claims to compensation if any, for all interests in the land shall be received by the Deputy Commissioner within 10 days of the service or publication as the case may be, of this notice.

Notice is further given that possession of the said land will be taken over by the Deputy Commissioner or any officer deputed by him on his behalf under sub-section 2 of the Act on

DESCRIPTION OF THE LAND

District	_____
Mauza	_____
Village	_____
Block No.	_____
PattaNo.	_____
Area	_____

1. Description of the boundaries:-

North –

South –

East –

West –

2. Area.....

To

Name and address of the owner of the land

Name and address of tenant, if any

Name and address of the person in occupation of the land,
if any

Deputy Commissioner

Dated.....

FORM "H".

(See Rule 24 and Section 5)

NOTICE

Whereas the premises described below have been requisitioned under section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965 or are deemed to have been requisitioned under Section 21 of the said Act,

And whereas the said premises are in need of repairs specified in the Schedule hereto appended:

Now, therefore, in exercise of the powers conferred by Section 5 of the said Act, I (enter name) (enter designation), being the person authorised under the said Act, do hereby orderthe owner of the said premises to execute the repairs specified in the Schedule, being repairs which are necessary and are usually made by land-lords in the locality in which the premises are situated within a period of from the date of service of the notice.

If the said owner fails to execute repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expenses and the cost thereof shall, without prejudice to any other mode or recovery be deducted from the compensation payable to him in accordance with the rules framed in this behalf.

Description of the permises.

.....

Schedule

Secretary to the Govt. of Nagalarfd,

Revenue Department

or

Person authorised u/s 5(1)

To

.....

.....